

## Senate Joint Resolution No. 40

### RESOLUTION CHAPTER 147

Senate Joint Resolution No. 40—Relative to salvaged vehicles.

[Filed with Secretary of State August 28, 1998.]

#### LEGISLATIVE COUNSEL'S DIGEST

SJR 40, Lockyer. Salvaged vehicles.

This measure would memorialize the President and the Congress of the United States to ensure that legislation pertaining to salvaged vehicles includes specified provisions.

WHEREAS, The United States Congress is now considering legislation to redefine “total loss salvage vehicles”; and

WHEREAS, The federal legislation under consideration includes a different definition of a salvaged vehicle than that contained in California law; and

WHEREAS, The federal legislation under consideration could undermine consumer protections in many states, including California; and

WHEREAS, California law contains provisions that broadly define a “total loss salvage vehicle”; and

WHEREAS, California law requires vehicles that come under the state’s definition of a “total loss salvage vehicle” to be subject to a certification, disclosure, and inspection process; and

WHEREAS, California law makes it a criminal offense for failure to comply with disclosure requirements relating to the transfer of ownership of a “total loss salvage vehicle”; and

WHEREAS, The federal legislation, if adopted by California, would potentially reduce the number of vehicles that are required to comply with California’s current certification, disclosure, and inspection requirements; and

WHEREAS, Some portion of approximately 150,000 total loss salvaged vehicles are returned to California’s streets each year; and

WHEREAS, Nonetheless, given the interstate nature of vehicle transactions, there is potentially some benefit to a national minimum standard for salvage vehicles, which national standard is the aim of the federal legislation; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to ensure that federal legislation pertaining to salvage vehicles include (1) explicit language permitting the states to adopt additional, more stringent requirements for the disclosure of a vehicle’s history; (2) a

requirement that each transferor of a motor vehicle disclose to the transferee in writing, at or before the time of sale, whether the vehicle is a salvage vehicle or a rebuilt salvage vehicle; and (3) language explicitly leaving in place any and all California laws providing consumer protections and allowing the state Attorney General to bring criminal and civil actions to recover restitution and civil penalties against sellers who intentionally sell former salvage vehicles without full disclosure; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

